

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HULEN T. HARRELL,
Plaintiff,

v.

GREGORY J. AHERN,
Defendant.

Case No. [14-cv-00317-JD](#)

ORDER DISMISSING CASE

This is a habeas petition filed pro se by an individual awaiting a determination of civil commitment pursuant to California's Sexually Violent Predators Act ("SVP"). *See* Cal. Welf. & Inst. Code 6600, et seq. On March 4, 2014, the petition was dismissed with leave to amend because the claims were not understandable. In claim one petitioner stated that his SVP evaluations were false and his counsel was ineffective. Claim two was incomprehensible. Plaintiff was also ordered to address why this petition should not be dismissed pursuant to *Younger v. Harris*, 401 U.S. 37 (1971).

Petitioner has received many extensions but has still failed to file a proper amended petition. A filing that the Court construed as an amended petition was dismissed with leave to amend on October 3, 2014. Petitioner has not filed a new amended pleading or sufficiently demonstrated why the case should not be dismissed pursuant to *Younger*. Petitioner's disagreements with his public defender, and the denial of his requests for a new attorney do not warrant intervention at this time. Petitioner has also stated that he has discovered new claims and seeks a stay and abeyance, presumably to exhaust these claims. The request for a stay is denied and because petitioner has not demonstrated extraordinary circumstances to interfere with the state proceedings, the petition is dismissed.¹ Once the state proceeding has terminated and petitioner has properly exhausted his claims he may re-file a federal petition.

¹ The Court notes that petitioner filed another case that was difficult to understand that was

CONCLUSION

1. The petition is **DISMISSED** for the reasons set forth above.

2. Because reasonable jurists would not find the result here debatable, a certificate of appealability (“COA”) is **DENIED**. *See Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000) (standard for COA).

IT IS SO ORDERED.

Dated: March 9, 2015



JAMES DONATO
United States District Judge

dismissed for failure to file an amended complaint. *See Harrell v. State of California*, Case No. 13-cv-1351-RMW. The Ninth Circuit affirmed the dismissal. Docket No. 16 in Case No. 13-cv-1351-RMW.

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 3/9/2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Hulen T. Harrell ID: PFN #AAN366
550 6th Street
Oakland, CA 94607

Dated: 3/9/2015

Richard W. Wieking
Clerk, United States District Court

B  _____
LISA R. CLARK, Deputy Clerk to the
Honorable JAMES DONATO